

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

BEFORE THE CHIEF PROCUREMENT OFFICER

DECISION LIFTING STAY

In the Matter of Protest of:)

CASE No. 2011-130

Bridge Corporation Group, LLC)

Materials Management Office)

POSTING DATE: August 17, 2011

IFB No. 5400003123)

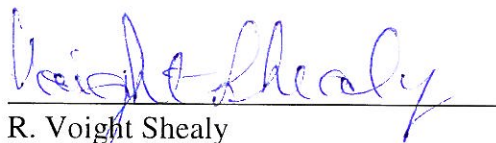
MAILING DATE: August 17, 2011

Charter Air Transportation Services for)

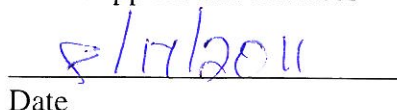
South Carolina State University)

By way of background, South Carolina State University seeks to procure charter air transportation services for two upcoming away football games in this solicitation. Bridge Corporation Group, LLC protested the intent to award to CSI Aviation Services, Inc., and the Chief Procurement Officer ("CPO") has granted the protest and canceled the award to CSI Aviation Services, Inc.. South Carolina State University has requested that the automatic stay of procurement during protests provision be lifted based on Section 11-35-4210(7) of the South Carolina Consolidated Procurement Code ("Code"). [See attached.]

Based on consultation with George E. Cooper, President of South Carolina State University, I find that the solicitation or award of the contract without further delay is necessary to protect the best interests of the State. The first game is scheduled for August 31, 2011. Therefore, the automatic stay is lifted, and MMO may proceed further with the award of the contract.



R. Voight Shealy
Chief Procurement Officer
for Supplies and Services


Date

Columbia, S.C.

STATEMENT OF RIGHT TO ADMINISTRATIVE REVIEW

Written Determination Appeal Notice (Revised July 2011)

The South Carolina Procurement Code, in Section 11-35-4410, subsection (1)(b) states:

(1) Creation. There is hereby created the South Carolina Procurement Review Panel which shall be charged with the responsibility to review and determine de novo:

(b) requests for review of other written determinations, decisions, policies, and procedures arising from or concerning the procurement of supplies, services, information technology, or construction procured in accordance with the provisions of this code and the ensuing regulations; except that a matter which could have been brought before the chief procurement officers in a timely and appropriate manner pursuant to Sections 11-35-4210, 11-35-4220, or 11-35-4230, but was not, must not be the subject of review under this paragraph. Requests for review pursuant to this paragraph must be submitted to the Procurement Review Panel in writing, setting forth the grounds, within fifteen days of the date of the written determinations, decisions, policies, and procedures.

Copies of the Panel's decisions and additional information regarding the protest process is available on the internet at the following web site: www.procurementlaw.sc.gov

FILE BY CLOSE OF BUSINESS: Requests must be filed by 5:00 PM, the close of business. *Protest of Palmetto Unilect, LLC*, Case No. 2004-6 (dismissing as untimely an appeal emailed prior to 5:00 PM but not received until after 5:00 PM); *Appeal of Pee Dee Regional Transportation Services, et al.*, Case No. 2007-1 (dismissing as untimely an appeal faxed to the CPO at 6:59 PM).

FILING FEE: Pursuant to Proviso 83.1 of the General Appropriations Act for Fiscal Year 2011-2012, "[r]equests for administrative review before the South Carolina Procurement Review Panel shall be accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is authorized to charge the party requesting an administrative review under the South Carolina Code Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6) and/or 11-35-4410...Withdrawal of an appeal will result in the filing fee being forfeited to the panel. If a party desiring to file an appeal is unable to pay the filing fee because of hardship, the party shall submit a notarized affidavit to such effect. If after reviewing the affidavit the panel determines that such hardship exists, the filing fee shall be waived." PLEASE MAKE YOUR CHECK PAYABLE TO THE "SC PROCUREMENT REVIEW PANEL."

LEGAL REPRESENTATION: In order to prosecute an action before the Panel, an incorporated business must retain a lawyer. Failure to obtain counsel will result in dismissal of your appeal. *Protest of Lighting Services*, Case No. 2002-10 (Proc. Rev. Panel Nov. 6, 2002) and *Protest of The Kardon Corporation*, Case No. 2002-13 (Proc. Rev. Panel Jan. 31, 2003).



South Carolina State University

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OFFICE OF THE PRESIDENT

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August 15, 2011

R. Voight Shealy
Chief Procurement Officer for Goods & Services
Division of Procurement Services
1201 Main St., Suite 600
Columbia, SC 29201

Re: Protest of Bridge Corp Group, LLC – Charter Air Service for SC State University

Dear Mr. Shealy:

South Carolina State University is facing a situation that requires action without delay. Through a solicitation managed by the State Procurement Office, SC State University intended to procure charter air service for the football team and support staff departing from Columbia Metropolitan Airport (CAE) on August 31, 2011, at 12:00 noon, and arriving in Lansing, MI on August 31, 2011, with return charter air service departing from Lansing, MI, on September 1, 2011, at 11:00 p.m., and arriving at the Columbia Metropolitan Airport (CAE) on September 2, 2011.

Under the same solicitation, a second charter air service departing from Columbia Metropolitan Airport (CAE) on September 16, 2011, at 12:00 noon, and arriving in Indianapolis, IN, on September 16, 2011, with return charter air service departing from Indianapolis, IN, on September 17, 2011, at 6:00 pm, and arriving at the Columbia Metropolitan Airport (CAE) on September 17, 2011, was to be awarded.

A timeline of the award process for this solicitation is as follows:

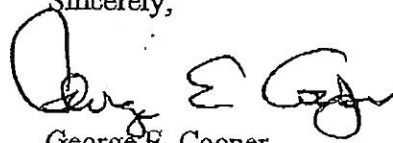
1. On July 26, 2011, the Materials Management Office posted an intent to award for the referenced service to CSI Aviation Services, Inc.
2. On August 2, 2011, a protest of the award was filed by the Bridge Corp Group, LLC.
3. The Materials Management Office suspended the Intent to Award on Friday morning, August 5, 2011.
4. On August 10, 2011, the State Procurement Officer forwarded a letter asking that you grant the protest filed by Bridge Corp Group, LLC.

2/2

Through communications with the State Procurement Officer, it is our understanding that a further delay in any re-award may jeopardize one or both of these trips. As of today, it is uncertain whether any of the bidders can still secure charter aircraft for the August 31, 2011, trip.

Under the authority of Section 11-35-4210, (7), South Carolina State University respectfully requests that you lift the automatic "stay" of the award due to protest so that the State and the University may proceed with an award to a responsive and responsible bidder. Lifting the "stay" without further delay is necessary to protect the best interests of the state.

Sincerely,

A handwritten signature in black ink, appearing to read "George E. Cooper", is written over the typed name.

George E. Cooper
President

Cc: Pat Holmes – SC State University Procurement